



CITY OF SAN JOSÉ, CALIFORNIA

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SAN JOSÉ ELECTIONS COMMISSION

Thomas Mertens, Chair
Jang Badhesha
Michael Smith
Tony Ventura

SAN JOSÉ ELECTIONS COMMISSION MEETING MINUTES August 9, 2007

I CALL TO ORDER

The Members of the San José Elections Commission convened at 6:15 p.m. in Room W-120 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS Badhesha, de Funiak, Ventura and Mertens

ABSENT: COMMISSIONERS Smith

STAFF PRESENT: Evaluator Steven Miller
Chief Deputy City Attorney Norm Sato
Assistant City Clerk Barbara Conly
Deputy City Clerk Nora Pimentel

II HEARING ON COMPLAINT

- A. Continued hearing on the complaint filed on December 22, 2006 by Garrick Hileman against the Cindy Chavez for Mayor Campaign and Pacific Park Management, Inc.

Documents Filed: 1) Correspondence from City and County of San Francisco Ethics Commission dated March 1, 2007 to Behailu Mekbib requesting ownership interest in Pacific Park Management, Inc.; 2) Pacific Park Management, Inc. Timeline and Exhibits; and 3) Transcript of Hearing dated August 9, 2007; Reported by Noelia Espinola, CSR, License Number 8060. Advantage Reporting Services, No. 23886; Pages 2 through 203.

Chair Mertens opened the public hearing, summarized hearing procedures and opened the public hearing. Evaluator Steven Miller summarized the Independent Evaluator's Report and Recommendations. Testimony was presented by Haddis Alemayehu,

Garrick Hileman, Girma Zeleke, John Bacus, Yee Ng, Sam Tadesse, Behailu Mekbib, Nebi Aleyu, and Solomon Abeyneh. Yee Ng and John Bacus provided public comments. (See transcript for complete testimony).

The Commission deliberated

Motion: Upon motion by Commissioner Ventura, seconded by Commissioner Badhesha, and unanimously passed, the Commission unanimously accepted dismissed the complaint filed against the Cindy Chavez for Mayor Campaign. Vote: 5-0-0.

Each Commissioner affirmed their findings.

Motion: Upon motion by Commissioner Ventura, seconded by Commissioner de Funiak, and unanimously passed, the Commission found that the \$500 contribution by Pacific Park Management, Inc. was in excess of contribution limits and violated local regulations. Vote: 5-0-0.

Each Commissioner affirmed their findings.

Motion: Upon motion by Commissioner Ventura, seconded by Commissioner Badhesha, and unanimously passed, the Commission found that the \$100 contribution by Garrick Hileman was in excess of contribution limits and violated local regulations. Vote: 5-0-0.

Each Commissioner affirmed their findings.

Motion: Upon motion by Commissioner Badhesha, seconded by Commissioner Ventura, and unanimously passed, the Commission found that the \$100 contribution by Haddis Alemayehu was in excess of contribution limits and violated local regulations. Vote: 5-0-0.

Each Commissioner affirmed their findings.

Motion: Upon motion by Commissioner Badhesha, seconded by Commissioner Ventura, and unanimously passed, the Commission found that the \$100 contribution by Yee Ng was in excess of contribution limits and violated local regulations. Vote: 5-0-0.

Each Commissioner affirmed their findings.

Motion: Upon motion by Commissioner Ventura, seconded by Commissioner Badhesha, and unanimously passed, the Commission found that the \$100 contribution by John Bacus was in excess of contribution limits and violated local regulations. Vote: 4-1-0 (Chair Mertens opposed).

Each Commissioner affirmed their findings.

Motion: Upon by Commissioner Defuniak, seconded by Commissioner Ventura, and unanimously passed, the Commission fined Pacific Park Management, Inc \$5,000 for violating local regulations. Vote 5-0-0.

Motion: Upon motion by Commissioner de Funiak, seconded by Commissioner Badhesha, the Commission directed the City Attorney to prepare a resolution of findings made and authorized the Chair to sign it.

III ADJOURNMENT

The Commission adjourned at 10:15 p.m.

THOMAS M. (TOM) MERTENS, CHAIR

ATTEST:

LEE PRICE, MMC
CITY CLERK and SECRETARY TO THE COMMISSION